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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Norman Van Meeteren :
Serial No.: 10/764,370 : PETITION DECISION
Filed: January 23, 2004 :
Attorney Docket No.: 1379-012 :

This is in response to the petition under 37 CFR § 1.59(b), filed December 14, 2006, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on November 9, 2006, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper. Also, as stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information will be returned to applicant.

Therefore, applicant's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

George Elliott
Director, Technology Center 1600

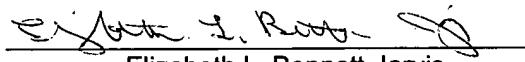


TRADE SECRET

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	<i>Application Number</i>	10/764,370
	<i>Filing Date</i>	January 23, 2004
	<i>First Named Inventor</i>	NORMAN VAN MEETEREN
	<i>Group Art Unit</i>	1638
	<i>Examiner Name</i>	A. MEHTA
	<i>Attorney Docket Number</i>	1379-012
<i>Title of the Invention:</i> SOYBEAN CULTIVAR SG5322NRR		

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (post office to addressee) in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this 9th day of November, 2006. The number of the Express Mail mailing label is EV690530439US.


Elizabeth L. Bennett-Jarvis
Reg. No. 53,982

REQUEST FOR INFORMATION UNDER 37 C.F.R. §1.105

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Request for Information mailed August 10, 2006, please see responses below.

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The Examiner states the following as the reason for the Request for Information under 37 C.F.R. §1.105:

Applicant is claiming a seed comprising at least 50% of the genome of soybean line SG5322NRR, and soybean plants produced in methods that comprise performing crosses with soybean plant SG5322NRR. However, the instant specification is silent about what starting materials and methods were used to produce soybean line SG5322NRR.

Applicant has submitted a response to the Request for Information so as to expedite prosecution of the application.

3 (i). Original parental soybean lines used to produce soybean cultivar SG5322NRR:

FFR665 and FFR RT517

Other designations/denominations for parental soybean lines: None

Regarding the lineage of the original parental lines back to any publicly available varieties, Applicant submits that the lineage of the original parents of the present invention does not contain any public lines that are similar in genotype to the present invention.

3 (ii). Method and steps used to produce soybean cultivar SG5322NRR:

Modified Single Seed Descent

- 1)The F₁ generation was selfed and advanced to F₂.
- 2) The F₂ generation was advanced to F₄ by using Modified Single Seed Descent:
- 3) F₄ and F₅ plants were selfed and selected in each generation. The instant invention was derived from F₅ experimental number line 48491.

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- 4) The experimental line was then tested in replicated plots at many locations for 3 years before release.
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3 (iii). Have parental soybean lines or progeny been disclosed or made publicly available?

FFR665 was publicly sold in 1995

FFR RT517 was publicly sold in 1997

3 (iv). Were any other soybean cultivars produced by the same method using the original parental soybean lines?

NO

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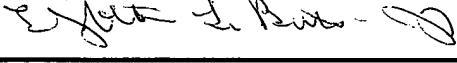
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REMARKS

In view of the above information, it is submitted that the Applicant has satisfied the Request for Information under 37 C.F.R. §1.105. All of this information is a Trade Secret and applicant has marked this Reply to Request for Information as "Trade Secret". Additionally, Applicant has submitted this Reply in compliance with MPEP §724. Reconsideration of this application and an early notice of allowance are respectfully requested.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED					
NAME AND REG. NUMBER	Elizabeth L. Bennett-Jarvis, Reg. No. 53,982				
SIGNATURE		DATE	November 9, 2006		
Address	Jondle & Associates P.C. 858 Happy Canyon Road, Suite 230				
City	Castle Rock	State	CO	Zip Code	80108
Country	U.S.A.	Telephone	303-799-6444	Fax	303-799-6898

TRADE SECRET

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	<i>Application Number</i>	10/764,370
	<i>Filing Date</i>	January 23, 2004
	<i>First Named Inventor</i>	NORMAN VAN MEETEREN
	<i>Group Art Unit</i>	1638
	<i>Examiner Name</i>	A. Mehta
	<i>Attorney Docket Number</i>	1379-012
<i>Title of the Invention:</i> SOYBEAN CULTIVAR SG5322NRR		

PETITION FOR EXPUNGEMENT OF INFORMATION UNDER 37 C.F.R. §1.59

Mail Stop Petitions
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, Virginia 22313-1450

Sir:

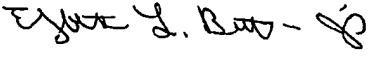
We have not received a Notice of Allowance on the above identified application. Applicant requests Expungement of Information under 37 C.F.R. §1.59 to expunge the Reply to Request for Information under 37 C.F.R. §1.105 submitted on November 9, 2006 in the above identified application. Expungement of this information is appropriate because the Reply to Request for Information contains information that is a **TRADE SECRET** and has not been made public. Applicant will retain such information for the period of the life of the patent for which this information has been submitted. This petition to expunge is being submitted on behalf of the party in interest who originally submitted the information. Also attached is the appropriate fee of \$200 as set forth in 37. C.F.R. §1.17(g) for a petition under 37 C.F.R. §1.59(b). Please charge any additional fees or credit any overpayment for the payment of the Petition for Expungement of Information to deposit account number 50-2368.

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Reply to Request for Information dated November 9, 2006

Petition for Expungement dated December 14, 2006

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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED					
NAME AND REG. NUMBER	ELIZABETH BENNETT-JARVIS, Reg. No. 53,982				
SIGNATURE			DATE	December 14, 2006	
Address	Jondle & Associates P.C. 858 Happy Canyon Road, Suite 230				
City	Castle Rock	State	CO	Zip Code	80108
Country	U.S.A.	Telephone	303-799-6444	Fax	303-799-6898